

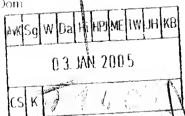
PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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ALLEMAGNE



NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

28.12.2004

Applicant's or agent's file reference

031904woHqo

IMPORTANT NOTIFICATION

International application No.

PCT/EP 03/10839

International filing date (day/month/year)

30.09.2003

Priority date (day/month/year)

01.10.2002

Applicant

GENERAL ELECTRIC COMPANY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions are patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference:
031904woHigo

International application No.
PCT/EP 03/10839

International Patent Classification (IPC) or both national classification and IPC:
F03D11/04

FOR FURTHER ACTION

International filing date (*day/month/year*)
30.09.2003

See Notification of Transmittal of International Preliminary Examination Report (Form PCT/EP-A416)

Priority date (*day/month/year*)
01.10.2002

Applicant
GENERAL ELECTRIC COMPANY

- 1 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36
- 2 This REPORT consists of a total of 5 sheets, including this cover sheet
 - I.I This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT)

These annexes consist of a total of _____ sheets.

- 3 This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand

27.04.2004

Name and mailing address of the international preliminary examining authority:



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Date of completion of this report

28.12.2004

Authorized Officer

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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No

PCT/EP 03/10839

I. Basis of the report

- 1 With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*).

Description, Pages

1-9 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

12-22 as originally filed

- 2 With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☒ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3)

- 3 With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form
☐ furnished subsequently to this Authority in written form
☐ furnished subsequently to this Authority in computer readable form
☒ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

- 4 The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos :
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/10839

- 5 ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (**Rule 70 2(c)**)

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2 Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. As currently formulated, the claims are directed to a method of erecting a wind turbine tower rather to a modular kit for a wind turbine tower *per se*. The phrase whereby the length of the first cylindrical tower segment "can be adapted to the necessary height of the tower" implies a method step of selection of components according to the circumstances associated with the particular wind turbine tower to be erected. With this in mind, claim 1 has therefore been interpreted as:

A method of erecting a tower for a wind turbine using a modular kit, the tower having a height ranging between a minimum height and a maximum height, the method comprising the steps of:

- providing a first conical tower segment comprising a steel tube having a predetermined length,
 - providing a second conical tower segment comprising a steel tube having a predetermined length,
 - providing a first cylindrical tower segment comprising a steel tube having a length between a predetermined minimum length and a predetermined maximum length,
 - selecting the length of the first cylindrical tower segment, in accordance with the necessary height of the tower, between a minimum tower height and a maximum tower height, the minimum height of the tower being the sum of the predetermined lengths of the first and second conical tower segments and the minimum length of the first cylindrical tower segment, and the maximum height being the sum of the predetermined lengths of the first and second conical tower segments and the maximum length of the first cylindrical tower segment.
2. From the independent claim it is not clear to the reader under what circumstances and according to which criteria the length of the first cylindrical tower segment would be selected. Furthermore it is not clear what steps would be taken in such a selection process. However, upon evaluation of the present application with respect to the available prior art and in as far as the claims can be understood with the interpretation outlined in section 1 above, the subject-matter of claims 1-9 would seem to satisfy the criteria of novelty, inventive step and industrial

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/10839

applicability as required by Article 33 PCT

In the best available prior art, it is neither explicitly stated nor inferable therefrom, a method of erecting a wind turbine tower wherein the step of providing a first cylindrical tower segment whose length is selected from a range (in accordance with the circumstances associated with the wind turbine tower to be erected) is in combination with the steps of the provision of the conical segments.